

EXHIBIT 5

Mark Jeffries

From: Padmanabhan, Kartic (OGC) (FBI) <KPADMANABHAN@fbi.gov>
Sent: Wednesday, August 15, 2018 1:28 PM
To: Mark Jeffries
Cc: Wellons, Paul R. (OGC) (FBI); Monte Williams
Subject: RE: Ballock v. Costlow, et al. Civil Action No. 1:17-CV-52 (N.D.W.Va.)

Hi Mark—I apologize for the delay in getting back to you. We plan on having a response to your request by the end of the week. Thanks

Kartic

From: Mark Jeffries [<mailto:Mark.Jeffries@Steptoe-Johnson.com>]
Sent: Monday, August 13, 2018 3:35 PM
To: Padmanabhan, Kartic (OGC) (FBI) <KPADMANABHAN@fbi.gov>
Cc: Wellons, Paul R. (OGC) (FBI) <prwellons@fbi.gov>; Monte Williams <Monte.Williams@Steptoe-Johnson.com>
Subject: RE: Ballock v. Costlow, et al. Civil Action No. 1:17-CV-52 ([N.D.W.Va](#))

Kartic,

I wanted to follow up on our telephone call on July 30, 2018 regarding the subpoena and *Touhy* request in the above-referenced matter. We are now within a month of discovery completion, and the parties are in agreement that we will not be able to meet that deadline. However, we would like to be able to tell Judge Keeley with some certainty how much additional time we will need to prepare the case for trial. The parties are also in agreement that we would like to have an additional six months *after* we receive a response from the FBI to our *Touhy* request. Are you now in a position to tell us when you believe the FBI will be able to respond to the *Touhy* request in this matter so that we may move to amend the scheduling order?

Thanks,

Mark Jeffries
304-933-8155

-----Original Message-----

From: Padmanabhan, Kartic (OGC) (FBI) [<mailto:KPADMANABHAN@fbi.gov>]
Sent: Monday, July 02, 2018 3:03 PM
To: Mark Jeffries
Cc: Wellons, Paul R. (OGC) (FBI)
Subject: Ballock v. Costlow, et al. Civil Action No. 1:17-CV-52 ([N.D.W.Va](#))

Mark,

Please see the attached letter. Thank you

Kartic

Kartic Padmanabhan
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Step toe & Johnson PLLC Note:

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